

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SCOTT L.,

Plaintiff,

v.

**6:21-CV-1289
(FJS/DEP)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

OFFICE OF PETER W. ANTONOWICZ

148 West Dominick Street
Rome, New York 13440
Attorneys for Plaintiff

PETER W. ANTONOWICZ, ESQ.

**SOCIAL SECURITY ADMINISTRATION
OFFICE OF GENERAL COUNSEL**

6401 Security Boulevard
Baltimore, Maryland 21235
Attorneys for Defendant

**CANDACE LAWRENCE, ESQ.
VERNON NORWOOD, ESQ.**

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking review of Defendant's final decision that he was not disabled at the relevant times and, therefore, was ineligible for the disability insurance ("DIB") benefits for which he had applied. *See* Dkt. No. 1. The parties filed motions for judgment on the pleadings on May 19, 2022, and July 12, 2022. *See* Dkt. No. 11 (Plaintiff's motion); Dkt. No. 14 (Defendant's motion). Magistrate Judge Peebles issued a Report and Recommendation on December 7, 2022, *see* Dkt. No. 17, to which neither party filed any objections.

In his Report and Recommendation, Magistrate Judge Peebles recommended that the Court (1) affirm Defendant's decision; (2) grant Defendant's motion for judgment on the pleadings, *see* Dkt. No. 14; (3) deny Plaintiff's motion for judgment on the pleadings, *see* Dkt. No. 11; and (4) dismiss Plaintiff's complaint. *See* Dkt. No. 17 at 20.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, *1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, 'the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Peebles' December 7, 2022 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' December 7, 2022 Report and Recommendation, *see* Dkt. No. 17, is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

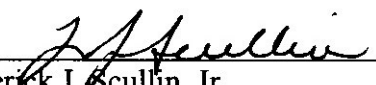
ORDERS that Plaintiff's motion for judgment on the pleadings, *see* Dkt. No. 11, is **DENIED**; and the Court further

ORDERS that Defendant's motion for judgment on the pleadings, *see* Dkt. No. 14, is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: January 6, 2023
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge